

APPENDIX B

**STATEMENT OF WORK FOR
THE REMEDIAL DESIGN AND REMEDIAL ACTION
AT
FORD ROAD INDUSTRIAL LANDFILL SITE
ELYRIA, OHIO**

I. PURPOSE AND SITE HISTORY

The purpose of this Statement of Work (SOW) is to set forth requirements for implementation of the remedy selected in the Record of Decision (ROD) for the Ford Road Industrial Landfill Site (Site), which was signed by the United States Environmental Protection Agency (U.S. EPA) Region 5 on September 27, 2006. When submitting deliverables for designing and implementing the remedial action (RA) at the Site, the Settling Defendants shall follow the ROD, this SOW, the approved Remedial Design (RD) Work Plan, the approved RA Work Plan, U.S. EPA Superfund Remedial Design and Remedial Action Guidance and any additional applicable guidance provided by U.S. EPA.

The Ford Road Landfill is a 15-acre inactive facility located in Elyria, Lorain County, Ohio. The Site is located on the northern edge of Elyria on Ford Road, about 1.5 miles from Interchange 8 of the Ohio Turnpike, Interstate 90. The Site is not fenced and is accessible from all sides. Several residences are located within one mile of the site with the nearest being about 200 feet northwest of the site. The Site is bordered by an intermittent stream and a sewer main that is covered with riprap to the north, a ravine and rural land to the south, the Black River to the east, and Ford Road and the Black River Preserve to the west. Site topography is characterized by the gently sloping top surface of the landfill which descends from an elevation of approximately 690 feet above mean sea level (amsl) at the western boundary of the Site along Ford Road to an elevation of approximately 680 feet amsl at the top of the slope around the northern, eastern, and southern edge of the landfill surface. The northern, eastern, and southern flanks of the landfill slope steeply down to the 100-year flood plain of the Black River at an elevation of approximately 610.9 feet amsl. A swale, oriented approximately north-south, was constructed along the western edge of the landfill. The swale directs runoff into a storm water drain that discharges into the intermittent stream which is a crushed stone-filled drainage feature that extends from Ford Road to the Black River immediately north of the Site.

The U.S. EPA is the lead agency and the Ohio Environmental Protection Agency (Ohio EPA) is the support agency for this site.

Landfilling activities are believed to have begun with the placing of local municipal waste into the ravine extending east from Ford Road in the early 1900s. Available records indicate that in 1945 the property was purchased by Jack and Max Joseph, who operated a public landfill, charging tipping fees, until 1964. George C. Brotherton and Phyllis J. Brotherton, doing business as Brotherton Disposal, leased that property in 1964 from Jack Joseph and operated the landfill until March 1966, when Brotherton Disposal, Inc. was incorporated. Brotherton Disposal, Inc. operated the landfill from March 1966 until May 1972, when Brotherton Disposal, Inc. merged with Browning-Ferris Industries of Ohio, Inc. (BFIOH). BFIOH operated the landfill on a restricted basis until June 1974. During operation of the landfill in the 60s and 70s,

municipal and various industrial wastes in drums and in bulk were accepted, including, but not limited to: 700 tons of hazardous material; 3.3 million pounds of chemical wastes; and sludge (reportedly 32,000 gallons per day), from 1963 to 1970, and many of these wastes were burned onsite. Foundry sand, slag, and dried sludges were often used for cover material. Landfill operations ended in 1974, but the landfill was not closed under U.S. EPA guidelines. The current owner of the Site is the Lorain County Metropolitan Park District.

Past investigations at the Ford Road Landfill appear to have begun in the early 1970s. An Ohio EPA sanitary landfill inspection form reported conditions observed at the landfill on December 21, 1972, including the presence of leachate near the northeastern corner of the Site. It was further observed that insufficient cover material was present for the landfill. An inspection of the landfill in June 1976 documented improved conditions, although it indicated continued concerns regarding adequacy of cover and an observation of the leachate in the northeastern corner of the Site. On September 30, 1980, a site inspection was performed by the U.S. EPA. During the inspection, leachate was reportedly observed to be entering the Black River at the northeastern corner of the Site. The analytical results (dated October 20, 1980) for both one leachate sample and one sediment sample collected from observed seepage points located between the northeastern toe of the landfill and the Black River showed detectable concentrations of ammonia, lead, boron, cadmium, zinc, barium, chromium, titanium, tetrahydrofuran, dimethylbenzene, ethylbenzene, 3,3,5-trimethylcyclohexanone, trimethylcyclohexanol, 1, oxybisbenzene, ethylenebisbenzene, and bis(2-ethylhexyl)phthalate. The sediment sampled contained bis(2-ethylhexyl)phthalate, phenol, methylphenol, 1H-Indole, tetradecanediols, and polychlorinated biphenyls (PCBs).

An Evaluation of the Potential for Groundwater Contamination at the Ford Road Site was prepared by a U.S. EPA contractor, Ecology & Environment, Inc. (E&E), on behalf of the U.S. EPA, dated October 16, 1981. This evaluation concluded that impacts to the deeper bedrock aquifer were unlikely due to the relatively impermeable shale cap rock. In addition, the evaluation determined that potential impacts to groundwater in the overburden could impact the Black River and should be evaluated by installing and sampling four to five wells. On August 23 and 24, 1982, three shallow overburden monitoring wells (MW-1, MW-2, and MW-3) were drilled and installed by ATEC Environmental Consultants. One borehole was also advanced upgradient of the site; however, no groundwater was encountered above the shale bedrock and no monitoring wells were installed at this location.

A preliminary assessment of the Ford Road Landfill was prepared by E&E on behalf of the U.S. EPA, dated January 5, 1983. Based on an evaluation of available information from the field investigation team files, Ohio EPA files, and U.S. EPA Region 5 files, additional information was considered necessary to assess potential impacts to groundwater, surface water, and/or soil. On July 20, 1983, during a site inspection, E&E collected groundwater samples from each of the three existing monitoring wells at the Site on behalf of the U.S. EPA. Two of the samples were found to contain low concentrations of acetone and alphanaphthalene hexachloride. A third sample contained methylene chloride.

On January 10, 1994, a U.S. EPA contractor, PRC Environmental Management, Inc. (PRC) submitted the *Expanded Site Inspection Report*. The activities completed by PRC included an

inspection of the site on March 8, 1993, during which a leachate seep was observed flowing toward the Black River near the northeastern corner of the Site. On May 18, 1993, PRC sampled soil, surface water, sediment, and groundwater at the Site. PCB (Aroclor-1254), delta-BHC, alpha chlordane, calcium, lead, and zinc were detected in one or more sediment samples. No hazardous substances were identified at levels above background in surface water samples. Also, 1,1-dichloroethene, potassium, and sodium were detected in one or more of the groundwater samples. Naturally occurring metals, arsenic, barium, manganese, and nickel were also detected at elevated concentrations in both sediment and groundwater.

Browning-Ferris Industries of Ohio conducted monthly methane gas monitoring from February 8, 1989 through January 31, 1994. This monitoring program involved monitoring for methane gas at 10 locations across the landfill during each monitoring event. The monitoring results showed 0% of the lower explosive limit and 0% by volume from all locations during each monitoring event implemented. A landfill gas monitoring system was formally approved by Ohio EPA in early 2006 and sampling results have shown that no landfill gas is migrating through the existing cap.

In 1980, with the approval of the U.S. EPA and the Park District, Browning-Ferris of Ohio implemented a voluntary response action involving the addition and grading of cover soil (including placing up to 7.5 feet of low-permeability cover materials) to intercept and contain reported observations of leachate emanating from the Site. In addition, some refuse observed near the Black River was removed and transported to the Lorain County Landfill.

Ohio EPA has collected fish tissue data in the Black River as part of its state program. Currently, the Black River has a fish advisory for Common Carp for PCBs and a PCB and mercury advisory for Freshwater Drum.

In a small area near the northeast corner of the landfill, a thin floating layer of motor oil or light non-aqueous phase liquid (LNAPL) was detected in monitor wells during the RI/FS. Aroclor 1242 and Aroclor 1254 are present at elevated concentrations in the LNAPL. However, through sediment sampling and the observation of black stained soil along the bank of the river adjacent to the Site conducted during the Remedial Investigation (RI) at Ford Road Landfill, it appears that a small amount of PCB contamination associated with the LNAPL may be entering into the Black River and could pose a risk to the ecological community residing in the River. Fish tissue samples were not collected as part of the RI.

Other potential hazards at the site that were identified during this assessment included the physical hazards present along the steep side slopes of the landfill. The Site was and still remains unfenced providing easy access to the Site. Crushed drums and exposed waste found along the northern and southern edges of the landfill posed a potential physical threat to anyone venturing on the sides of the landfill. There were also several areas of exposed ash found during the assessment that were of unknown origin and could have possibly contained constituents in concentrations above regulatory levels, posing a potential health threat to those who came into contact with this area.

In July 2002, an Administrative Order on Consent (AOC) was signed, among others, by Browning-Ferris Industries of Ohio, Goodrich Corporation, Ford Motor Company, General Motors Corporation, Chevron Environmental Management Company & Kewanee Industries Incorporated (a.k.a. the Ford Road Group) and U.S. EPA, which required the Ford Road Group to conduct a Remedial Investigation/Feasibility Study (RI/FS). The RI/FS work was conducted by the Ford Road Group under the terms of the 2002 AOC, with oversight by U.S. EPA and Ohio EPA. This work was completed and the ROD was signed in September 2006.

Extent of Contaminants and Source Areas

Based on the RI and Screening Level Risk Assessment, the chemicals of potential concern (COPCs) for human health at the Site are:

- For soil and sediment, the COPCs are polynuclear aromatic hydrocarbons (PAHs), PCBs, and metals.
- For surface water the COPCs are one semivolatile organic compound (SVOC) (bis [2-ethylhexyl] phthalate) and five metals (aluminum, antimony, arsenic, iron, and thallium).
- For groundwater, the COPCs are two volatile organic compounds (VOCs) (benzene and vinyl chloride), one SVOC (bis [2-ethylhexyl] phthalate), PCBs, and several metals.
- For leachate, the COPCs are two VOCs (benzene and chloroform), one SVOC (bis [2-ethylhexyl] phthalate), three pesticides (beta-BHC, dieldrin, and heptachlor), and several metals.

For the screening-level Ecological Risk Assessment (ERA), the COPCs identified for the Site includes PAHs, PCBs/pesticides, and inorganics for soil, sediment, surface water, and leachate. The highest potential ecological risks associated with the Site are likely to be in association with elevated metals in the soils around the slope of the landfill. Potential risks associated with leachate, surface water, and sediment are expected to be relatively low, with the exception of sediment in the vicinity of where the intermittent stream flows into the Black River.

Description of the Selected Remedy

Two alternatives were selected to address the contamination at the Site:

Alternative 3: In Situ Containment with Surface Cover Enhancement

- This alternative would involve implementing the measures outlined under Alternative 2 of the ROD (e.g., monitoring and institutional controls) in conjunction with the focused removal of waste on the side slopes and enhancement of the existing surface cover over the landfill, as appropriate.
- The enhancement of the landfill cover would involve site grading to improve surface water control and the placement of additional low-permeability material over those areas of the landfill that do not currently meet the requirement that a minimum 2-foot

cover exists over the subject area. As per Ohio EPA DSIWM Guidance Document No. 0123: Construction of a 1976 Cap System (1995) the testing specifications for the cover material will include: moisture/density relationship; moisture content range; permeability; and grain size analysis. The construction specifications will include: compaction to at least 95% of the maximum Standard Proctor Density (ASTM D-698) or 90% of the maximum Modified Proctor Density (ASTM D-1557); compaction using loose lifts, no greater than eight (8) inches thick prior to compaction; and monitoring of compaction.

- Widely scattered cascaded waste was encountered over an approximately 5,000 square foot area on the north slope of the landfill and an approximately 15,000 square foot area on the south slope of the landfill, both outside the limits of waste. Alternative 3 will address this waste by consolidation within the existing or extended limits of the landfill or disposal at a licensed facility, if this material is shown to be a hazardous waste. In the FS, it was assumed that a limited amount of the material may require offsite disposal and most of the material will be consolidated within the limits of the landfill. It is expected that material consolidated within the limits of waste will be placed in lifts and compacted in areas on the top of the landfill after the existing cover has been stripped for reuse, however, the exact method will be determined as part of the Remedial Design. Surficial wastes will be removed as necessary to meet regulatory limits. Backfill would only be expected to be placed in these areas, as required, to result in appropriate stable slopes beyond the limits of the landfill, depending on the final grade.
- The possibility of slope modifications will also be addressed under Alternative 3. Currently, most areas of the landfill have side slopes in the range of 1.25-1.5:1 horizontal: vertical ratio and are not imminently unstable. The proposed modifications to the existing cap, though, may affect the stability of the side slopes. It is believed that the northern slope, southern slope, the northern portion of the eastern side slope, and approximately half of the southern portion of the eastern side slope (approximately 73,000 square feet, total) may require stabilization. Should it be found during the Remedial Design that further modifications are required to maintain slope stability during and after cap modifications, possible response actions will be evaluated.
- Upon completion of the cover enhancements and other components of Alternative 3, the presence of a continuous 2-foot cover over the entire landfill surface will serve to significantly reduce potential exposure to impacted media and migration of COPCs by reducing the volume of precipitation that infiltrates through the landfill.

Alternative A Select Removal of Specifically Identified Areas Outside of Landfill Limits

This alternative would involve the removal of selected soil/sediment observed to contain COPCs that exceed Site-specific risk based concentration levels (RBCs) outside of the landfill limits in the northeast corner of the Site. The removal depth is estimated to be approximately fifteen feet. It is expected that the focus of this excavation would begin at the location along the edge of the

river where evidence of LNAPL migration was observed (e.g., the thin sand unit exhibiting trace sheen). The excavation would remove the impacted sediment at the edge of the river then extend back toward the toe of the landfill slope, removing impacted soil that represents the likely preferential migration pathway along which the LNAPL impacts may have migrated toward the edge of the river. It is conservatively estimated that up to 6,400 cubic yards of soil and sediment will be removed, although the actual removal sequence, limits and depth will be determined during the Remedial Design stage. To the degree practicable, non-impacted surface soil would be removed, stockpiled, and characterized, which could significantly reduce the volume of soil requiring disposal. Excavated materials that do not contain levels of PCBs requiring off-site disposal or management under TSCA, or other hazardous components, would be used either in construction of landfill cover improvements or placed under the cap within the landfill. Soils and sediment containing constituents with levels exceeding regulatory limits will be sent offsite for disposal. The excavated areas would be backfilled, as required to establish surface contours, with clean, compacted, low permeability soil and re-vegetated. A reducing media that can fully degrade any residual levels of COPCs may be used as or added to the backfill if necessary.

Estimated Remedy Costs

Present Worth \$3,400,000

II. DESCRIPTION OF THE REMEDIAL ACTION / PERFORMANCE STANDARDS

The Settling Defendants shall design and implement the Remedial Action to meet the performance standards and specifications set forth in the ROD and this SOW. Performance standards shall include cleanup standards, standards of control, quality criteria and other substantive requirements, criteria or limitations including all Applicable or Relevant and Appropriate Requirements (ARARs) set forth in the ROD, SOW and/or Consent Decree (CD).

1. Excavation of PCB-contaminated soil/sediment

The Settling Defendants shall determine the horizontal and vertical extent of the PCB contaminated area located in the northeastern corner of the Site. The Settling Defendants may rely on existing site data gathered during the RI/FS in determining the extent of contamination. The excavation along the northeastern side of the landfill shall be extensive enough to create an adequate buffer zone to ensure that, for the lifetime of the remedy, there is no direct contact between the PCB-contaminated wastes or LNAPL within the existing landfill and the Black River. This buffer zone shall be of sufficient size to allow for the installation of and access to groundwater monitoring wells if it is determined that additional wells are needed. The excavation would remove the impacted sediment at the edge of the river then extend back toward the toe of the landfill slope, removing impacted soil/sediment that appears to represent the preferential migration pathway along which the LNAPL impacts may have migrated toward the edge of the river.

The Settling Defendants shall submit a Remedial Action (RA) Work Plan to U.S. EPA for review and approval prior to initiating any excavation activity. The RA Work Plan shall be based on the approved Final Design and shall include air and surface water monitoring provisions as

determined necessary by U.S. EPA. Subsequent to work plan approval, all excavated material will be dewatered as necessary. To the degree practicable, non-impacted surface soil would be removed, stockpiled, and characterized, which could significantly reduce the volume of soil requiring disposal. Soil/sediment that is found to be hazardous will be shipped to an appropriate licensed facility. Soil/sediment that is not hazardous but has contaminant levels above RBCs will be placed into the existing landfill. Soil/sediment that has contaminant levels below RBCs can be used in the construction of the landfill cover. This soil and sediment area will have to meet each COPC's respective RBC for both soil and sediment and the threshold effect concentration (TEC) for any sediment ecological contaminants of potential concern (ECOPCs) (See Tables 4, 5, 6 and 7 in the ROD for RBCs). Soil erosion shall be controlled compliant with state law during remedy implementation.

Current stream bank inspections downgradient of the northeastern corner of the landfill do not show any evidence of the black staining where contaminant seepage occurred. Confirmatory soil sampling will be performed if any evidence of this is observed at any time. This will protect and help restore riverine resources to their highest beneficial use and serve to eliminate any risks to human and wildlife population.

2. Cap

The Settling Defendants will comply with the ROD by conducting a focused relocation and consolidation of wastes outside the footprint of the landfill and then re-grading to improve surface water control, as needed, over the extent of the landfill and the placement of additional low-permeability material over those areas of the landfill that do not currently meet the minimum 2-foot landfill cap system cover requirement of Ohio EPA [Ohio EPA - DSIWM Guidance #0123 OAC 3745-27-09(F)]. The focused waste relocation activities would concentrate on the areas outside the limits of the landfill footprint on the north and south slopes where waste material (including large waste objects such as white goods, drum carcasses, etc) are exposed at the surface. Waste materials along the side slopes that are not suitable for compaction *in situ*, will be relocated to other areas of the landfill and relocated within the landfill cap. The areas requiring enhancement of the existing cover are primarily on the northern and southern slopes of the landfill. Landfill waste that has, over time, cascaded over the sides of the landfill and remains exposed will be consolidated within the existing or extended limits of the landfill. Vegetation will need to be removed to accomplish the cover enhancements along the landfill slopes. This will involve removing any vegetation within the landfill footprint itself and ensuring that trees and shrubs remaining close to the landfill footprint will not compromise the new landfill cover. Actions to maintain stable slopes will also be performed (e.g., appropriate replacement vegetation and/or slope stabilizing controls). The landfill will then be revegetated in a manner that healthy grasses or other vegetation will form complete and dense vegetative cover within one year of placement.

Modifications to the existing cap may affect the stability of the side slopes of the landfill. It appears that the North End Slope, Southern End Slope, the northern portion of the Eastern Side Slope, and approximately half of the southern portion of the Eastern Side Slope (approximately 73,000 square feet, total) may require stabilization. However, the exact extent will be based on evaluations made as part of the Remedial Design phase.

A detailed analysis of the slope stability will be conducted during the Remedial Design phase. A plan specifying requirements of the slope stability analysis will be prepared as part of the Remedial Action Work Plan and submitted to U.S. EPA and Ohio EPA for review and approval. The plan will be developed considering applicable sections of the following guidance: Geotechnical and Stability Analyses for Ohio Waste Containment Facilities (GeoRG) Manual 660 and can be found at http://www.epa.state.oh.us/dsiwm/pages/alpha_e-h.html. The slope stability study will include a review of historical data and information, and data collected as part of the RI/FS, and will provide all key parameters necessary to perform a geotechnical assessment of slope stability, including the nature and strength of soils and waste and piezometric levels. The slope stability investigation and methods of analysis will be specified in the Remedial Design Work Plan. Should this analysis show that further modifications are required to maintain slope stability during and after cap modifications, possible response actions will be evaluated as part of the Remedial Design phase. It is assumed that excavated materials from potential slope modification would be placed under the enhanced cap. To the extent possible, all waste materials will be managed on-site, however, it is possible that part of this material may need to be disposed of at an appropriately licensed offsite facility.

Upon completion of cover enhancements and removal of exposed wastes and, if necessary, side slope modifications, a continuous 2-foot cover or an equally protective cover approved by the U.S. EPA will be placed over the entire landfill where two feet of adequate cover is lacking. This enhanced cover over the entire landfill will reliably contain the landfill wastes and reduce the infiltration of water through the landfill and thereby reduce the potential for groundwater impacts that could ultimately migrate to the Black River.

For groundwater monitoring, analytical results will be summarized and compared with Ohio's Water Quality Standards, Lake Erie Basin, in Ohio Administrative Code Chapter 3745-1 Outside Mixing Zone Average for Aquatic Life. This comparison will also be performed for any COPCs identified when sampling the leachate seeps at the Site.

Periodic leachate sampling will occur at the areas staked during the RI (USACE Stakes). If these areas become regraded or altered during construction activities, periodic checks of potential seeps will be conducted to ensure that no seepage is occurring.

The existing landfill gas monitoring system will be operated and maintained and all appropriate state requirements will be met for the life of the Site.

Once the remedy has been implemented, the areas on the landfill footprint that had existing grasses, plants and trees will be revegetated with appropriate vegetation that will not compromise the new landfill cover. The areas within the Site, but not within the footprint of the new landfill that had a limited amount of vegetation removed (due to construction traffic, soil management areas, etc) during the implementation of the remedy will be revegetated with grass as approved by the U.S. EPA.

The Settling Defendants shall submit a RA Work Plan to U.S. EPA for review and approval prior to initiating any activity associated with the landfill cover enhancement. The RA Work Plan shall

be based on the approved Final Design and shall include air and surface water monitoring provisions as determined necessary by U.S. EPA.

3. Surface Water Management System

The Settling Defendants shall develop a surface water plan which will be approved by U.S. EPA. Various models will be used to ensure that the system is fully functioning and reducing the infiltration of water through the landfill. A site water-balance model, using U.S. EPA's H.E.L.P modeling, or similar software, will be compiled after the remedy is in place to ensure that the cap installation was done properly and is functioning as intended.

4. Short-Term and Long-Term Monitoring

The Settling Defendants shall perform short-term surface water monitoring during all construction and excavation activities that may have an impact on surface water. Surface water monitoring shall be conducted in order to assure that public health, safety, welfare, and the environment are being protected in accordance with state and federal law during implementation of excavation activities.

During construction activities, the Settling Defendants shall perform air monitoring, as necessary. Air monitoring will ensure that the RA activities do not violate the rules prohibiting the emission of air contaminants in quantities which have injurious effects on human health, animal life, plant life of significant economic value, and/or property.

The Settling Defendants shall perform long-term groundwater monitoring following construction of the remedy. The long-term groundwater monitoring may require the installation of additional monitoring wells or abandonment of existing wells that are no longer necessary. The number and location of ground water monitoring wells shall be specified by the Settling Defendants in the Remedial Design and is subject to U.S. EPA approval, in consultation with the State.

For groundwater monitoring, analytical results will be summarized and each COPC identified in the ROD will be compared with Ohio's Water Quality Standards, Lake Erie Basin, in Ohio Administrative Code Chapter 3745-1 Outside Mixing Zone Average for Aquatic Life. This comparison will also be performed for any COPCs identified when sampling the leachate seeps at the Site.

The groundwater from each monitoring well shall be sampled and analyzed by the Settling Defendants as described below, unless modified in the approved Final Operation & Maintenance (O&M) Plan:

Wells FR-MW-3, FR-MW-4, and FR-MW-6 will be sampled annually for five years for metals and VOCs. Wells FR-MW-1, FR-MW-7, and FR-MW-8 will be sampled quarterly for two years and semiannually for the following three years for Target Compound List (TCL) volatile organic compounds (VOCs), TCL semivolatile organic compounds (SVOCs), and Target Analysis List (TAL) metals. Once the initial five year period is complete and if all contaminant levels are found to be below risk levels, wells FR-MW-1, FR-MW-6, FR-MW-7, and FR-MW-8 will be

sampled annually for an additional 10 years. A full O&M plan will be developed after completion of the Remedial Design phase to incorporate any additional sampling that will be required and approved by the U.S. EPA and Ohio EPA.

5. Fencing and Signage

Currently, adverse impacts to human health are classified by U.S. EPA as not under control at the Site due to the ability for trespassers or others to directly enter the Site and come into contact with contaminated media. For example, evidence of fishing has been noted at the Site in the area where the PCB-impacted soil is located. Therefore, it is necessary to attempt to prevent access to the Site prior to the implementation of the remedial action. In order to do this, the Settling Defendants shall develop a plan to address exposure in the area between the landfill slope and the river where organic constituents were found during the RI/FS. The plan will address the methods that will be used to limit exposure where soil and surface water contamination above action levels has been documented within two-feet of the ground surface. For these areas of the site, the plan will specify methods that will be used to limit exposure, which may include fencing, but will also consider other options such as additional soil cover, the use of rip-rap, and other types of barriers to exposure. The required plan will be submitted to U.S. EPA within 120 days after receiving the Notice of Authorization to proceed with RD. Any type of protection that is installed will be maintained until those areas have been remediated.

In addition, during the remedial action, Settling Defendants will install appropriate fencing around areas where construction activities are taking place to ensure that trespassers are warned of hazards within the construction area.

6. Institutional Controls

For Ford Road Landfill, institutional controls will be needed since the Site will have contaminants remaining at levels that do not allow unrestricted use or unlimited access. The goal of these institutional controls is to prevent direct contact exposure with the residual contamination. Therefore, digging or disturbance of the cover (or underlying contaminated material) will be prevented (or if needed, repairs will be made). There will be a program of Operation & Maintenance and monitoring, and this will include routine inspection of the cover and require any necessary repairs to the cover. Institutional controls will be developed through a layered approach, including: proprietary controls (easements and/or covenants including environmental covenants pursuant to Sections 5301.80 to 5301.92 of the Ohio Revised Code); deed restrictions; and enforcement tools (AOCs and/or consent decrees), which will ensure the long-term reliability of the controls. The development of these institutional controls will be completed as specified in the Consent Decree, with the input of U.S. EPA and Ohio EPA.

7. Long-term Maintenance

Long-term maintenance and post-closure care will be performed by the Settling Defendants as required by applicable federal and state regulations and as described in the Consent Decree. A detailed O&M Plan shall be submitted as part of this RD. Once approved, the Long-term O & M shall be carried out pursuant to the plan.

8. Other Provisions

Measures will be taken during remedy construction activities to minimize the noise and dust impacts of construction upon the surrounding community. Fugitive dust emissions will be monitored and controlled in a manner to ensure that they comply with all appropriate state and federal regulations.

III. SCOPE OF REMEDIAL DESIGN AND REMEDIAL ACTION

The Remedial Design/Remedial Action shall consist of six tasks. All plans are subject to U.S. EPA approval.

Task 1: Remedial Design Work Plan

The Settling Defendants shall submit a Work Plan which shall document the overall management strategy for performing the design, construction, operation, maintenance and monitoring of Remedial Actions for U.S. EPA review and approval. The plan shall document the responsibility and authority of all organizations and key personnel involved with the implementation and shall include a description of qualifications of key personnel directing the Remedial Design, including contractor personnel. The Work Plan shall also contain a schedule of Remedial Design activities.

The Settling Defendants shall submit a Remedial Design Work Plan in accordance with Section VI, Paragraph 11 of the Consent Decree. The RD Work Plan shall include a project schedule for each major activity and submission of deliverables generated during the Remedial Design. This RD Work Plan shall include, at a minimum, a pre-design Quality Assurance Project Plan (QAPP), Health and Safety Plan, and a Field Sampling Plan.

The Settling Defendants shall implement the pre-design work in accordance with the final RD Work Plan. The results of the pre-design studies shall be included with the Preliminary Design.

Task 2: Remedial Design Phases

The Settling Defendants shall prepare construction plans and specifications to implement the Remedial Actions at the Ford Road Industrial Landfill as described in the ROD and this SOW. Plans and specifications shall be submitted in accordance with the schedule set forth in Section V of this SOW. Subject to approval by U.S. EPA, the Settling Defendants may submit more than one set of design submittals reflecting different components of the Remedial Action. All plans and specifications shall be developed in accordance with U.S. EPA's Superfund Remedial Design and Remedial Action Guidance (OSWER Directive No. 9355.0-4A) and shall demonstrate that the Remedial Action shall meet all objectives of the ROD, the CD and this SOW, including all Performance Standards. U.S. EPA's Project Coordinator and the Settling Defendant's Project Coordinator will meet in person or via conference call, at a minimum, on a bi-monthly basis, unless U.S. EPA's Project Coordinator and the Settling Defendants' Project Coordinator mutually agree to meet on a greater or less frequent basis.

A. Preliminary Design

The Settling Defendants shall submit the Preliminary Design when the design effort is approximately 50% complete. Prior to submittal of the 50% design, U.S. EPA and the Settling Defendants shall schedule design review and progress meetings to discuss progress on the design. If required by the approved RD Work Plan, the Preliminary Design submittal shall include or discuss, at a minimum, the following:

- design criteria;
- results of treatability studies;
- results of additional field sampling and pre-design work;
- project delivery strategy;
- preliminary plans, drawings and sketches;
- required specifications in outline form;
- preliminary construction schedule;
- proposed cleanup verification methods, including compliance with Applicable or Relevant and Appropriate Requirements (ARARs);
- proposed citing/locations or processes/construction activities;
- real estate, easement, restrictive covenant, and permit requirements; and,
- QAPP/Health and Safety Plan/Field Sampling Plan/Contingency Plan.

B. Intermediate Design

The Intermediate Design, if required by U.S. EPA or if independently submitted by the Settling Defendants, shall be a continuation and expansion of the preliminary design. Any value engineering proposals must be identified and evaluated during this review.

C. Prefinal and Final Designs

The Settling Defendants shall submit the Prefinal Design when the design effort is 95% complete and shall submit the Final Design when the design effort is 100% complete. The Prefinal Design shall fully address all U.S. EPA comments made to the preceding design submittal. The Final Design shall fully address all of U.S. EPA comments made to the Prefinal Design and shall include reproducible drawings and specifications suitable for bid advertisement.

The Prefinal Design shall serve as the Final Design if U.S. EPA has no further comments and issues the notice to proceed.

Unless otherwise directed by U.S. EPA in the approved RD Work Plan, the Prefinal and Final Design submittals shall include, at a minimum, those elements listed for the Preliminary Design, as well as the following:

- Final plans and specifications;
- Draft Operation and Maintenance Plan;
- Construction Quality Assurance Project Plan (CQAPP). The CQAPP, which shall detail the approach to quality assurance during construction activities at the Site,

- shall also specify a quality assurance official (QA Official) to conduct a quality assurance program during the construction phase of the project;
- Contingency Plan; and
- Performance Standards Verification Plan. The PSVP shall explain in detail which mechanisms will ensure that the RA achieves the overall Remedial Action Objectives (RAOs) developed and defined in the ROD, including those RAOs that are not based upon concentration levels of hazardous substances. The PSVP shall include provisions for confirmation sampling as needed.

Task 3: Remedial Action Work Plan

The Settling Defendants shall submit a Remedial Action Work Plan which includes a detailed description of the remediation and construction activities. The RA Work Plan shall list the major deliverables and include a project schedule for each major activity and submission of deliverables generated during the Remedial Action. The Settling Defendants shall submit a Remedial Action Work Plan in accordance with Section VI, Paragraph 12 of the Consent Decree and Section V of this SOW.

Task 4: Remedial Action Construction

The Settling Defendants shall implement the Remedial Action as detailed in the approved Final Design. The following activities shall be completed in constructing the Remedial Action.

A. Pre-construction inspection and meeting

Unless not required by U.S. EPA, the Settling Defendants shall participate with the U.S. EPA and the State in a preconstruction inspection and meeting to:

- a. Review methods for documenting and reporting inspection data;
- b. Review methods for distributing and storing documents and reports;
- c. Review work area security and safety protocol;
- d. Discuss any appropriate modifications of the construction quality assurance plan to ensure that site-specific considerations are addressed; and,
- e. Conduct a Site walk-around to verify that the design criteria, plans, and specifications are understood and to review material and equipment storage locations.

The pre-construction inspection and meeting shall be documented by a designated person and minutes shall be transmitted to all parties.

B. Final Construction Completion Inspection

As approved by U.S. EPA in the RA construction schedule included in the RA Work Plan, after the Settling Defendants make a preliminary determination that the Site construction is complete (i.e., all remedial action construction activity is complete and long-term O&M and post closure care is ready to commence), the Settling Defendants shall notify the U.S. EPA and the State for the purposes of conducting a prefinal construction completion inspection. The prefinal

construction completion inspection shall consist of a walk-through inspection of the entire Site with U.S. EPA and Ohio EPA. The inspection is to determine whether the construction is complete and consistent with the contract documents. Any outstanding construction items discovered during the inspection shall be identified and noted in a Prefinal Inspection Report, which shall be delivered to U.S. EPA within 15 days of the prefinal RA construction completion inspection. This report shall summarize the prefinal construction completion activities, outline the outstanding items, actions required to resolve the items, completion date for the items, and an anticipated date for the final inspection.

Within 30 days of U.S. EPA's approval of the Prefinal Inspection Report, the Settling Defendants shall initiate any construction activity or other work identified in that document as required to be completed. Within 90 days after completion of any work identified in the Prefinal Inspection Completion Report, the Settling Defendants shall notify the U.S. EPA and the State for the purposes of conducting a final construction completion inspection. The final inspection shall consist of a walk-through inspection of the Site by U.S. EPA, Ohio EPA and the Settling Defendants. The Prefinal Inspection Report shall be used as a checklist with the final inspection focusing on the outstanding construction items identified in the Prefinal Inspection Report. Confirmation shall be made that outstanding items have been resolved. If any items are unresolved, the inspection shall be considered to be a Prefinal Construction Inspection requiring another Prefinal Construction Completion Inspection Report and subsequent Final Construction Completion Inspection. Subsequent to a successful final construction completion inspection and within the time period set forth in the approved RA Work Plan, the Settling Defendants shall submit a Certification of Completion of Construction Report, which shall contain a certification by a professional engineer that the construction has been completed consistent with the contract documents and the Remedial Action. Thereafter, and in accordance with the schedule in the approved RA Work Plan, U.S. EPA will issue a Certification of Completion of Construction.

C. Pre-certification of Site Remedial Action Inspection

In accordance with Paragraph 53a of the Consent Decree, within 90 days after the Settling Defendants conclude that all phases of the Remedial Action have been fully performed and the Performance Standards (as defined in the approved RA and Performance Standard Verification Plan) have been attained, the Settling Defendants shall schedule and conduct a pre-certification inspection of the Remedial Action to be attended by the Settling Defendants, U.S. EPA and Ohio EPA. If, after the pre-certification inspection, the Settling Defendants still believe that the Remedial Action has been fully performed and the applicable Performance Standards have been attained, the Settling Defendants shall submit a Certification of Completion of the RA Report, requesting certification to U.S. EPA for approval, with a copy to Ohio EPA, pursuant to Section XIV of the Consent Decree within 30 days of the inspection. In the report a professional engineer and the Settling Defendant's Project Coordinator shall state the construction of the Remedial Action has been completed in full satisfaction of the requirements of the Consent Decree. The written report shall include a certification statement and signatures identified in Paragraph 53a of the CD and described in Section III, Task 4, Part E, Paragraph 3 of this SOW below. Subsequent requests for certifications, inspections, and reports shall also be in accordance with the terms of Section XI of the Consent Decree.

D. Completion of Site Work

In accordance with Paragraph 54 of the Consent Decree, within 90 days after the Settling Defendants conclude that all phases of the Site Work have been fully performed, the Settling Defendants shall schedule and conduct pre-certification inspection of the Site Work pursuant to Section XIV, Paragraph 54a of the Consent Decree, to be attended by the Settling Defendants, U.S. EPA, and Ohio EPA. If, after the pre-certification inspection, the Settling Defendants still believe that the Site Work has been fully performed, the Settling Defendants shall submit a written report (Completion of Work Report) by a registered professional engineer stating that the Site Work has been completed in full satisfaction of the requirements of the Consent Decree. The written report shall contain the certification statement and signatures identified in Paragraph 54a of the CD and described in Section III, Task 4, Part E, and Paragraph 4. If, after review of the written report, U.S. EPA, after reasonable opportunity to review and comment by Ohio EPA, determines any portion of the Site Work has not been completed in accordance with the Consent Decree, U.S. EPA will notify the Settling Defendants in writing of the activities that must be undertaken by the Settling Defendants pursuant to the Consent Decree to complete the Site Work, provided, however, that U.S. EPA may only require the Settling Defendants to perform such activities pursuant to Sections VI, VII, VIII and XIV of the Consent Decree to the extent that such activities are consistent with the scope of the remedy selected in the ROD. U.S. EPA will set forth in the notice a schedule for performance of such activities consistent with the Consent Decree and the SOW or require the Settling Defendants to submit a schedule to U.S. EPA for approval pursuant to Sections VI, VIII of the Consent Decree. The Settling Defendants shall perform all activities described in the notice in accordance with the specifications and schedules therein, subject to its right to invoke the dispute resolution procedures set forth in Section XIX of the Consent Decree.

If U.S. EPA concludes, based on the initial or any subsequent request for Certification of Completion of the Site Work by the Settling Defendants and after a reasonable opportunity for review and comment by Ohio EPA, that the Site Work has been performed in accordance with the Consent Decree, EPA will so notify the Settling Defendants in writing.

E. Reports

1. Progress Reports

As described in the Consent Decree, unless otherwise required on a less frequent basis by U.S. EPA, the Settling Defendants shall submit to U.S. EPA monthly progress reports during construction and quarterly reports during other activities delineating the status of the Site. The progress reports shall include:

- a. Activities conducted during the period and results of data collection activities;
- b. Problems encountered during the period;
- c. Schedule variances and corrective actions, if necessary; and
- d. Projected Activities for the next six to twelve week period.

2. Certification of Completion of Construction Report

Within the time frame provided in the approved RA Work Plan, the Settling Defendants shall submit a Certification of Completion of Construction Report. In the report, a registered professional engineer and the Settling Defendant's Project Coordinator shall state that the Remedial Action has been constructed in accordance with the design and specifications. The report shall include the following items, as necessary:

- Brief description of how outstanding items noted in the Pre-final Construction Completion Inspection were resolved;
- Explanation of modifications made during the RA to the approved RD and RA Work Plans and why these changes were made;
- As-built drawings; and
- Synopsis of the construction work defined in the SOW and certification that the construction work has been completed.

Within the time period provided in the approved RA Work Plan and subsequent to U.S. EPA's approval of the Certification of Completion of Construction Report, U.S. EPA will issue to the Settling Defendants a Certification of Completion of Construction.

3. Certification of Completion of the RA Report

The Certification of Completion of the RA Report, provided for in Paragraph 53 of the CD, shall include the following items, as necessary:

- Synopsis of the work defined in the SOW and a demonstration in accordance with the Performance Standards Verification Plan and Performance Standards have been achieved;
- Certification that the Remedial Action has been completed in full satisfaction of the requirements of the Consent Decree; and
- A description of how the Settling Defendants will implement any remaining part of the U.S. EPA approved Operation and Maintenance Plan.

The written report shall identify any performance standards that have not been met as of the date of the report, and shall include as-built drawings signed and stamped by a professional engineer. The report shall contain the following statement, signed by a responsible corporate official of the Settling Defendants or the Settling Defendant's Project Coordinator:

"To the best of my knowledge, after thorough investigation, I certify that the information contained in or accompanying this submission is true, accurate and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

4. Completion of Work Report

In the Certification of Completion of Work Report, provided for in Paragraph 54 of the Consent Decree a registered professional engineer and the Settling Defendant's Project Coordinator shall state the Work has been completed in full satisfaction of the requirements of the Consent Decree. The written report shall contain the following statement, signed by a responsible corporate official of the Settling Defendants or the Settling Defendant's Project Coordinator:

"To the best of my knowledge, after thorough investigation, I certify that the information contained in or accompanying this submission is true, accurate and complete. I am aware there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

Task 5: Operation and Maintenance

The Settling Defendants shall prepare an Operation and Maintenance (O&M) Plan to cover both implementation and long term maintenance of the Remedial Action. An initial Draft O&M Plan shall be submitted as a final Design Document submission. The Final O&M Plan shall be submitted to U.S. EPA in accordance with the construction schedule contained in the approved RA Work Plan. The plan shall comprise the following elements as may be applicable to the Site:

1. Description of normal maintenance:
 - a. Description of tasks for operation;
 - b. Description of tasks for maintenance;
 - c. Description of prescribed treatment or operation conditions; and
 - d. Schedule showing frequency of each O&M task.
2. Description of potential operating problems:
 - a. Description and analysis of potential operation problems;
 - b. Sources of information regarding problems; and
 - c. Common and/or anticipated remedies.
3. Description of routine monitoring and laboratory testing:
 - a. Description of monitoring tasks;
 - b. Description of required data collection, laboratory tests and their interpretation;
 - c. Required quality assurance, and quality control ;
 - d. Schedule of monitoring frequency and procedures for a petition to U.S. EPA to reduce the frequency of maintenance or to discontinue it; and
 - e. Description of verification sampling procedures if Cleanup or Performance Standards are exceeded in routine monitoring.

4. Description of alternate O&M:
 - a. Should systems fail, alternate procedures to prevent release or threatened releases of hazardous substances, pollutants or contaminants which may endanger public health and the environment or exceed performance standards; and
 - b. Analysis of vulnerability and additional resource requirement should a failure occur.
5. Corrective Action:
 - a. Description of corrective action to be implemented in the event that cleanup or performance standards are exceeded; and
 - b. Schedule for implementing these corrective actions.
6. Safety plan:
 - a. Description of precautions, of necessary equipment, etc., for Site personnel; and
 - b. Safety tasks required in event of systems failure.
7. Description of equipment:
 - a. Equipment identification;
 - b. Installation of monitoring components;
 - c. Maintenance of Site equipment; and
 - d. Replacement schedule for equipment and installed components.
8. Records and reporting mechanisms required:
 - a. Daily operating logs;
 - b. Records for operating costs;
 - c. Mechanism for reporting emergencies; and
 - d. Personnel and maintenance records.

Task 6: Performance Monitoring

Performance Monitoring shall be conducted by the Settling Defendants for 15 years following the issuance of the Certification of Completion of Work Report, according to a Performance Standard Verification Plan to ensure that all Performance Standards are met.

The purpose of the Performance Standard Verification Plan is to provide a mechanism to ensure that both short-term and long-term Performance Standards for the Remedial Action are met. The Draft Performance Standards Verification Plan shall be submitted with the Prefinal Design.

Once approved, the Performance Standards Verification Plan shall be implemented on the approved schedule. The Performance Standards Verification Plan shall include:

1. Quality Assurance Project Plan;

2. Health and Safety Plan;
3. Field Sampling Plan; and
4. Specification of those tasks to be performed by the Setting Defendant(s) to demonstrate compliance with the Performance Standards and a schedule for the performance of these tasks.

IV. CONTENT OF SUPPORTING PLANS

The documents listed in this section, the Quality Assurance Project Plan, the Field Sampling Plan, the Health and Safety Plan, the Contingency Plan, the Construction Quality Assurance Plan, the Technical Assistance Plan and the Oversight Plan are documents which must be prepared and submitted as outlined in Section III of this SOW. The following section describes the required contents of each of these supporting plans.

A. Quality Assurance Project Plan

The Setting Defendants shall develop a site-specific Quality Assurance Project Plan (QAPP), covering sample analysis and data handling for samples collected in all phases of the required Work, based upon the Consent Decree and guidance provided by U.S. EPA. The QAPP shall be consistent with the requirements of the EPA Contract Lab Program (CLP) for laboratories proposed outside the CLP. The QAPP shall at a minimum include:

Project Description

- Site History
- Past Data Collection Activity
- Project Scope
- Sample Network Design
- Parameters to be Tested and Frequency
- Project Schedule

Project Organization and Responsibility

Quality Assurance Objective for Measurement Data

- Level of Quality Control Effort
- Accuracy, Precision and Sensitivity of Analysis
- Completeness, Representativeness and Comparability

Sampling Procedures

Sample Custody

- Field Specific Custody Procedures
- Laboratory Chain of Custody Procedures

Calibration Procedures and Frequency

- Field Instruments/Equipment
- Laboratory Instruments

Analytical Procedures

- Non-Contract Laboratory Program Analytical Methods
- Field Screening and Analytical Protocol
- Laboratory Procedures

Internal Quality Control Checks

- Field Measurements
- Laboratory Analysis

Data Reduction, Validation, and Reporting

- Data Reduction
- Data Validation
- Data Reporting

Performance and System Audits

- Internal Audits of Field Activity
- Internal Laboratory Audit
- External Field Audit
- External Laboratory Audit

Preventive Maintenance

- Routine Preventative Maintenance Procedures and Schedules
- Field Instruments/Equipment
- Laboratory Instruments

Specific Routine Procedures to Assess Data Precision, Accuracy, and Completeness

- Field Measurement Data
- Laboratory Data

Corrective Action

- Sample Collection/Field Measurement
- Laboratory Analysis

Quality Assurance Reports to Management

The Settling Defendants shall submit the draft QAPP to U.S. EPA for review and approval. The QAPP shall be designed to address all phases of the project from pre-design to confirmatory sampling. If, because of the logistics of the project, the initial QAPP, developed as part of the RD Work Plan, does not lend itself to addressing all phases of the project, the QAPP shall be modified to incorporate any appropriate changes.

B. Health and Safety Plan

The Settling Defendants shall develop a Health and Safety Plan which is designed to protect onsite personnel and area residents from physical, chemical and all other hazards posed by this remedial action. The Plan shall develop the performance levels and criteria necessary to address the following areas.

- Description of Site
- Personnel
- Levels of protection
- Safe work practices and safe guards
- Medical surveillance
- Personal and environmental air monitoring
- Personal protective equipment
- Personal hygiene
- Decontamination - personal and equipment
- Site work zones
- Contaminant control
- Contingency and emergency planning
- Logs, reports and record keeping

The safety plan shall follow U.S. EPA guidance and all OSHA requirements as outlined in 29 CFR 1910 and 1926. As part of the Health and Safety Plan, the Settling Defendants shall include a Contingency Plan describing procedures to be used in the event of an accident or emergency at the site. The Contingency Plan shall include, at a minimum, the following:

1. Name of the person or entity responsible for responding in the event of an emergency incident;
2. Plan and date(s) for meeting(s) with the local community, including local, State and Federal agencies involved in the cleanup, as well as local emergency squads and hospitals;
3. First aid medical information;
4. Air Monitoring Plan (if applicable); and

5. Spill Prevention, Control, and Countermeasures (SPCC) Plan (if applicable), as specified in 40 CFR Part 109 describing measures to prevent and contingency plans for potential spills and discharges from materials handling and transportation.

C. Field Sampling Plan

The Settling Defendants shall develop a Field Sampling Plan (as described in "Guidance for Conducting Remedial Investigations and Feasibility Studies under CERCLA," October 1988) The Field Sampling Plan should supplement the QAPP and address all sample collection activities.

D. Construction Quality Assurance Plan

The Settling Defendants shall submit a Construction Quality Assurance Plan (CQAP) which describes the Site specific components of the quality assurance program which shall ensure that the completed project meets or exceeds all design criteria, plans, and specifications. The draft CQAP shall be submitted with the preliminary design and the final CQAP shall be submitted with the final design. The CQAP shall contain, at a minimum, the following elements:

1. Responsibilities and authorities of all organizations and key personnel involved in the design and construction of the Remedial Action;
2. Qualifications of the Quality Assurance Official to demonstrate he possesses the training and experience necessary to fulfill his identified responsibilities;
3. Protocols for sampling and testing used to monitor construction; and
4. Identification of proposed quality assurance sampling activities including the sample size, locations, frequency of testing, acceptance and rejection data sheets, problem identification and corrective measures reports, evaluation reports, acceptance reports, and final documentation. A description of the provisions for final storage of all records consistent with the requirements of the Consent Decree shall be included.

Reporting requirements for CQA activities shall be described in detail in the CQA plan. This shall include such items as daily summary reports, inspection data sheets, problem identification and corrective measures reports, design acceptance reports, and final documentation. Provisions for the final storage of all records shall be presented in the CQA plan.

E. Technical Assistance Plan and Community Involvement Support

U.S. EPA has the responsibility of developing and implementing community involvement activities for the Site. The critical community involvement planning steps performed by U.S. EPA and the Ohio EPA include conducting community interviews and developing a Community Involvement Plan. This was completed during the RI/FS phase of the project by U.S. EPA. Although implementing the Community Involvement Plan is the responsibility of U.S. EPA, the Settling Defendants, if directed by U.S. EPA, shall assist by providing information regarding the

Site's history; participating in public meetings; assisting in preparing fact sheets for distribution to the general public; or conducting other activities approved by U.S. EPA. All PRP-conducted community involvement activities shall be planned and developed in coordination with U.S. EPA.

In addition to any assistance with community involvement activities, the Settling Defendants shall prepare a Technical Assistance Plan (TAP) that will provide and administer \$50,000 for a qualified community group to hire Technical Advisors, independent from the Settling defendants to help interpret and comment on Site-related documents developed under this SOW. Within 30 days after a request by U.S. EPA, the Settling Defendants shall submit to U.S. EPA its Technical Assistance Plan for Agency approval.

As part of the TAP, the Settling Defendants shall propose methods, including an application process, minimum eligibility requirements and selection criteria for awarding, and administering the funds above.

Any eligible group shall be:

- 1) A group of people who may be affected by a release or threatened release at the Site;
- 2) Incorporated as a nonprofit organization for the purposes of the Site or otherwise established as a charitable organization that operates within the geographical range of the Site and is already incorporated as a nonprofit organization; and
- 3) Able to demonstrate its capability to adequately and responsibly manage any funds awarded.

Any group is ineligible if it is:

- 1) A potentially responsible party (PRP) at the Site or represents such a PRP or is a group whose ability to represent the interests of the affected individuals might be limited as a result of receiving money or services from a PRP;
- 2) Affiliated with a national organization;
- 3) An academic institution;
- 4) A political subdivision; or
- 5) A group established or presently sustained by government entities, an RP, or any ineligible entity. Selection criteria should be consistent with 40 C.F.R. 35.4155. Funds may be awarded to only one qualified group at a time for purposes of this CD and SOW.

Also as part of the TAP, Settling Defendants shall include a proposed plan for documenting the eligibility of the selected community group, and informing the group and U.S. EPA if it believes

any individual member is ineligible (consistent with 40 C.F.R. 35.4030) to participate in the group. Settling Defendants shall also include a plan for informing the selected group of the activities that can and cannot be undertaken with Settling Defendants' funds. The lists of eligible and ineligible activities should be consistent with 40 C.F.R. 35.4070 and 35.4075, respectively. The TAP shall also include a proposal for offering and, if accepted, transferring up to \$5,000 to the selected group to cover its estimated need for funds for an initial start-up period. Also as part of the TAP, Settling Defendants shall include a plan for providing assistance to the selected community group in the solicitation for an independent Technical Advisor. As long as the group documents its selection and the advisor selected by the group satisfies the requirements specified in 40 C.F.R. 35.4190 and 35.4195, Settling Defendants shall accept the group's choice. Finally, Settling Defendants shall include a proposed plan for negotiating a contract with the selected community organization and the independent Technical Advisor. The contract shall specify the duties of the Settling Defendants, community group, and Technical Advisor, respectively, and establish a dispute resolution process. Settling Defendants shall notify U.S. EPA of any differences between the final contract and the attached draft contract.

The Settling Defendants may hire a third party to coordinate and administer the TAP (hereinafter referred to as the TAP Coordinator). However, any such TAP Coordinator shall be approved by U.S. EPA. It is the Settling Defendant's burden to demonstrate that the TAP Coordinator is qualified to perform this task. If the Settling Defendants opt to hire a TAP Coordinator, then it shall submit in writing that person's name, title, and qualifications to U.S. EPA within 15 days of the effective date of this Consent Decree. Additionally, the Settling Defendants shall designate within 15 days of the effective date of this Consent Decree an outreach coordinator who will be responsive to the public's inquiries and questions about the Site, including information about the application process and administration of the TAP. Settling Defendants shall also propose a plan for arranging for and hosting meetings between its Outreach Coordinator, the community group, the Technical Advisor, and other interested individuals.

The Settling Defendants shall provide U.S. EPA quarterly progress reports regarding the implementation of the TAP. To the extent practicable, the Settling Defendants shall:

- 1) Select the TAP recipient;
- 2) Release an initial \$5,000 in start-up expenses;
- 3) Confirm the Technical Advisor selection; and
- 4) Finalize the contract with the community group and its advisor, at least by the date on which the Draft RDRA Work Plan is due to U.S. EPA.

If the Community Group demonstrates, consistent with the criteria specified in 40 C.F.R. 35.4065, that it needs additional funds for TAP activity, the Community Group will submit a request to U.S. EPA. If the request meets the criteria specified in 40 C.F. R. §35.4065, additional monies may be awarded. Any unobligated funds shall revert to the Settling Defendants at the end of the project.

Within 30 calendar days of U.S. EPA's approval of the TAP, the Settling Defendants shall select the TAP recipient; release \$5,000 in start-up funds; confirm the selection of the Technical Advisor, and finalize an appropriate contract with the selected community representative and the Technical Advisor. In addition, the Settling Defendants shall provide U.S. EPA and Ohio EPA with quarterly progress reports concerning the implementation of the TAP.

V. SUMMARY OF MAJOR DELIVERABLES/SCHEDULE

A summary of the project schedule and reporting requirements contained in this SOW is presented below:

<u>Deliverable / Milestone</u>	<u>Due Date (calendar days)</u>
RD Work Plan	One hundred twenty (120) days after Notice of Authorization to proceed with RD
Progress Reports	As described in the CD
Preliminary Design (50%)	Ninety (90) days after the Settling Defendant's receipt of all validated pre-design sample results, or a longer period of time as may be specified by U.S. EPA
Intermediate Design (75%)	If required, ninety (90) days after receipt of U.S. EPA's comments on (if required or submitted) the Preliminary Design, or a longer period of time as may be specified by U.S. EPA
Prefinal Design (95%)	If an Intermediate Design is required, or submitted, ninety (90) days after receipt of U.S. EPA comments on the Intermediate Design, or a longer period of time as may be specified by U.S. EPA If an Intermediate Design is not required or submitted one hundred eighty (180) days after receipt of U.S. EPA comments on the Preliminary Design, or a longer period of time as may be specified by U.S. EPA
Final Design (100%)	Thirty (30) days after receipt of U.S. EPA comments on the Prefinal Design, or a longer period of time as may be specified by U.S. EPA

RA Work Plan	Thirty (30) days after U.S. EPA approval of Final Design
Award RA Contract(s)	As defined in the approved RA Work Plan
Pre-Construction Inspection	As defined in the approved final RA Work Plan
Initiate Construction of RA	Fifteen (15) days after Pre-Construction Inspection and meeting
Completion of Construction	As approved by U.S. EPA in RA construction schedule included in RA Work Plan
Final Construction Completion	As approved by U.S. EPA in RA construction schedule
Submittal of Certification of Completion of Construction Report	As approved by U.S. EPA in RA construction schedule
U.S. EPA issuance of Certification of Completion of Construction	As approved by U.S. EPA in RA construction schedule included in RA Work Plan
Pre-certification inspection of Site RA	Pursuant to Paragraph 53 of the Consent Decree
Certification of Completion of the RA Report	Pursuant to Paragraph 53 of the Consent Decree
Final O&M Plan	As defined in the RA Work Plan
Pre-certification inspection of Site Work	Pursuant to Paragraph 54 of the Consent Decree
Certification of Completion of Work Report	Pursuant to Paragraph 54 of the Consent Site Decree